

### **DETAILED ACTION**

This action is in response to the Interview conducted on 4 April 2008 in which the previous Examiner's Amendment to the claims was discussed. The previous Examiner's Amendment paper did not incorporate limitations included/excluded from the amendment submitted on 3/3/08. This Supplemental Examiner's Amendment is to insure the correct claim amendment is set forth.

#### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Meagher on 4 April 2008.

The application has been amended as follows:

#### **In the Claims**

1. (Currently amended) A modular hearing aid comprising: a base unit adapted to contain any of a microphone, a receiver, a battery, electronics and controls, and wherein the base unit can be replaced after use; and an earmold unit removably attached to the base unit, the earmold unit comprising a compliant material and having a shorter useful life than the useful life of the base unit, the earmold unit further comprising a retention mechanism for connection to the base unit such that the earmold unit can be connected to the base unit or removed from the base unit and

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replaced after use on a more frequent basis than the replacement of the base unit, the earmold unit adapted to contain both a battery and a hearing aid component non-removably integrated within the earmold unit, the hearing aid component comprising at least one of a receiver and hearing aid electronics.

2. - 3. (Cancelled)

4. (Previously presented) A modular hearing aid comprising: a base unit adapted to contain any of a microphone, electronics and controls; and an earmold unit removably attached to the base unit, the earmold unit comprising a compliant material, a retention mechanism for connection to the base unit such that the earmold unit can be connected to the base unit or removed from the base unit and replaced after use, and the earmold unit comprising both a battery and a receiver non-removably integrated with the earmold unit.

5. (Previously presented) The modular hearing aid of Claim 4 wherein the earmold unit further comprises a shell non-removably integrated with the earmold unit, the shell housing the battery and the receiver.

6. - 7. (Cancelled)

8. (Previously presented) The modular hearing aid of Claim 1 wherein the earmold unit forms an earmold tip for attachment to a distal end of the base unit.

9. (Previously presented) The modular hearing aid of Claim 1 wherein the earmold unit forms an earmold sleeve for attachment to at least a portion of the base unit.

10. (Previously presented) The modular hearing aid of Claim 1 wherein the earmold unit forms an earmold tip and an earmold sleeve for attachment to the base unit.

11. - 20. (Cancelled)

21. (Currently amended) A modular hearing aid comprising: a base unit adapted to contain a microphone and electronics; and an earmold comprising a compliant material, the earmold being non-removably integrated with both a battery and a receiver that are non-removable, the earmold having a flexible, mushroom shaped earmold tip adapted to create a seal with the bony portion of the ear canal, the earmold further comprising a retention mechanism for connection to the base unit such that the earmold can be connected to the base unit or removed from the base unit and replaced after use.

22. (Currently amended) A method for replacing an earmold of a modular hearing aid comprising the steps: providing a modular hearing aid having a base unit and an earmold comprised of a ~~compliant~~ compliant material and having a shorter useful life than the useful life of the base unit, the earmold adapted to contain both a battery and a receiver non-removably integrated within the earmold;

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releasing a securing mechanism between the earmold and the base unit, the securing mechanism capable of being released by a user without the use of a separate tool or instrument;

removing the earmold from the base unit;

discarding the earmold;

placing a second earmold onto the base unit; and

attaching the securing mechanism.

23. - 63. (Cancelled)

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance: The primary reason for allowance is the teaching of modular hearing aid comprising a base unit and an earmold unit comprising a compliant material, a retention mechanism such that the earmold houses both a nonremovable battery and a nonremovable receiver as substantially described and connected with the other functional language recited in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHYLESHA L. DABNEY whose telephone number is (571)272-7494. The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P O Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

**Hand-delivered responses should be brought to:**

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

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April 24, 2008  
/Phylesha L Dabney/

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/Curtis Kuntz/

Supervisory Patent Examiner, Art Unit 2614